

*Susan J.*

PROSKAUER ROSE LLP

Elise M. Bloom

Myron D. Rumeld

1585 Broadway

New York, NY 10036-8299

Ph.: 212.969.3000

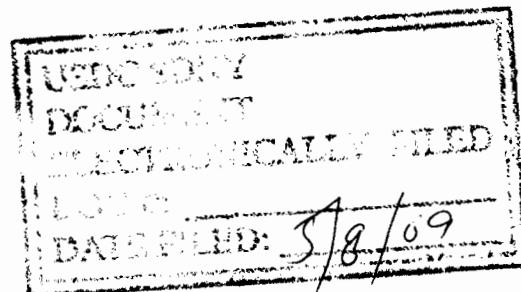
Howard Shapiro (pro hac vice)

Robert W. Rachal (pro hac vice)

650 Poydras Street, Suite 1800

New Orleans, LA 70130

Ph.: 504.310.4088

*Attorneys for Defendants*UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

ALTON C. SCHULTZ, <i>et al.</i> ,	:	Civ. A. No.: 00 0439 (LTS) (GWG)
Plaintiffs,	:	<b><u>PROPOSED JOINT CASE MANAGEMENT ORDER</u></b> <i>JW</i>
against	:	
JANET L. STONER, <i>et al.</i> ,	:	
Defendants.	:	

----- X

The parties, through their respective counsel, respectfully submit for the Court's consideration the following proposed joint case management order. This order supplements prior case management orders entered in this action.

The discovery provided for herein will be strictly limited to class certification issues including information pertinent to plaintiffs' motion for class certification and defendants' opposition thereto. Discovery by each of the parties on the merits of putative class members' claims, if any, shall be held in abeyance pending the Court's resolution of plaintiffs' motion for class certification, and any and all objections to such discovery on the merits are reserved.

PROPOSED SCHEDULE

1. By May 15, 2009, plaintiffs shall serve a preliminary amended class definition, to include amendments necessary to take into account the rulings entered in this case. The parties agree that the submission of this preliminary definition is without prejudice to plaintiffs' right to submit a further revised class definition based on information that may be learned during the class discovery process.
2. By June 5, 2009, the parties shall serve initial written discovery requests (interrogatories and document requests) pertaining to class discovery.
3. By August 7, 2009, the parties shall serve written responses to the initial interrogatories.
4. By August 31, 2009, the parties shall serve written responses to the initial document requests.
5. The parties do not, at this time, anticipate the use of experts on the issue of class certification.
  - a. In the event that either party decides to utilize any expert(s) on class certification, such party shall identify such expert(s) on or before September 25, 2009. In the event that one of the parties has identified any expert(s), the other party shall thereafter have 21 days to identify any rebuttal expert(s). Initial expert reports shall be served by October 23, 2009, and any rebuttal expert reports shall be served by November 23, 2009.
  - b. In the event that experts are proffered, the parties anticipate that rather than "full-blown" *Daubert* challenges, any challenges to the admissibility of the expert testimony would be made on briefs and addressed during the hearing on class certification (unless otherwise directed by the Court).
6. By December 21, 2009, all class discovery shall be completed.
7. By January 21, 2010, motions for class certification and any dispositive motions, along with supporting memoranda of law, shall be served. Responding memoranda of law shall be served 45 days after service of said motions. Any reply memoranda of law shall be served 21 days after service of said responses.

Absent an agreement by the parties, the above-referenced dates shall be adjourned only upon good cause shown.

Date submitted: May 6, 2009

**SO ORDERED:**

Laura Taylor Swain, U.S.D.J.

Gabriel W. Gorenstein  
United States Magistrate Judge  
Southern District of New York